# 08-13555-mg Doc 6150-3 Filed 12/12/09 Entered 12/12/09 00:08:47 Exhibit Exs. 1-5 to Silverman Declaration Pg 2 of 22

### Robles, Betty

From: Bill Wong [bwong@theseaportgroup.com]
Sent: Friday, September 04, 2009 2:14 PM

To: a.josi@gmx.ch; andreas.josi@bekb.ch

Cc: Jay Sommer

Subject: RÉ:

andreas - it is confirmed

From: Jay Sommer

Sent: Friday, September 04, 2009 2:07 PM

To: Bill Wong Subject: Fwd:

Sent from my iPhone

Begin forwarded message:

From: "Andreas Josi" <a.josi@gmx.ch> Date: September 4, 2009 2:05:47 PM EDT

To: <jsommer@theseaportgroup.com>

Cc: <andreas.josi@bekb.ch>

Jay,

Trade date 2009-09-04, settlement date 2009-09-11.

Thanks for the trade and enjoy the long weekend.

Best regards,

Andreas

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CH0027120747 2712074 100% Capital Protected Note on Topix Core 30 Index 22.02.2010 EUR 243000 1.5150 3/11/5 Lebman Brothers Treasury Co. B. V. Amsterdam Lebman Brothers Holdings Inc.
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CH0036891148 3689114 100% Capital Protected Note on SMI-Index	XS0234123650 2318727 Lehman Brothers Opp. Note on Basket Shares	XS0342098398 3689038 08-29.8.12 SHS-BASKET
07.03.2012 CHF	30.11.2010 CHF	29.08.2012 CHF
25'000	1000	5'000'000
1.0000	1.0000	1.0000
25'000 Lehman Brothers Treasury Co. B.V. Amsterdam   Lehman Brothers Holdings Inc.	ary Co. B.V. Amst	5'000'000 Lehman Brothers Treasury Co. B.V. Lehn
asury Co. B.V. Amsterdam Lehman Brothers Holdings Inc.	Lehman Brothers Holdings Inc.	Lehman Brothers Holdings Inc.

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22.02.2010 CHF 1983'000 1.0000 21.02.2012 CHF 1983'000 1.0000 ( 22.02.2010 EUR 527'000 1.5150 ( 21.02.2012 EUR 165'000 1.5150 22.02.2010 USD 245'000 1.5150 22.02.2010 EUR 245'000 1.5150 21.02.2012 EUR 20'000 1.5150	XS0257101856 2577056 100% Capital Protected Note on BRIC	10.07.2009 EUR	209'000	1.5150	316'635 Lehman Brothers Treasury Co. B.V. Amsterdam Lehman Brothers Holdings Inc.	Lehman Brothers Holdings Inc.
100% Capital Protected Note on SMI-Index		22.02.2010 CHF	PORTOR C	1.0000	3'397'000 Lehman Brothers Treasury Co. B.V. Amsterdam	ehman Brothers Holdings Inc.
100% Capital Protected Note on DJ Euro Stoxx 50-IX       22.02.2010 EUR       522'000       1.5150         100% Capital Protected Note on DJ Euro Stoxx 50-IX       21.02.2012 EUR       165'000       1.5150         100% Capital Protected Note on DJ Industrial AV-IX       22.02.2010 USD       2.02.2010 USD       1.0700         100% Capital Protected Note on Topix Core 30 Index       22.02.2010 EUR       245'000       1.5150         100% Capital Protected Note on Topix Core 30 Index       21.02.2012 EUR       20'000       1.5150	CH0027120671 2712067 100% Capital Protected Note on SMI-Index	21.02.2012 CHF	1'083'000	1.0000	['083'000 Lehman Brothers Treasury Co. B.V. Amsterdam I	ehman Brothers Holdings Inc.
100% Capital Protected Note on DJ Euro Stoxx 50-IX       21.02.2012 EUR       165'000       1.5150       2         100% Capital Protected Note on DJ Industrial AV-IX       22.02.2010 USD       2.02.2010 USD       1.0700       1.0700         100% Capital Protected Note on Topix Core 30 Index       22.02.2010 EUR       245'000       1.5150       2         100% Capital Protected Note on Topix Core 30 Index       21.02.2012 EUR       20'000       1.5150       2	CH0027120689 2712068 100% Capital Protected Note on DJ Euro Stoxx 50-IX	22.02.2010 EUR	522'000	1.5150	790'830 Lehman Brothers Treasury Co. B.V. Amsterdam 1	ehman Brothers Holdings Inc.
100% Capital Protected Note on DJ Industrial AV-IX         22.02.2010 USD         23.77200         1.0700           100% Capital Protected Note on Topix Core 30 Index         22.02.2010 BUR         245'000         1.5150           100% Capital Protected Note on Topix Core 30 Index         21.02.2012 BUR         20'000         1.5150	- 1	21.02.2012 EUR	165'000	1.5150	249975 Lehman Brothers Treasury Co. B. V. Amsterdam	ehman Brothers Holdings Inc.
100% Capital Protected Note on Topix Core 30 Index         22.02.2010 EUR         245'000         1.5150         371'175 Lt           100% Capital Protected Note on Topix Core 30 Index         21.02.2012 EUR         20'000         1.5150         30'300 Lt		22.02.2010 USD	397000	1.0700	63'130 Lehman Brothers Treasury Co. B.V. Amsterdam	ehman Brothers Holdings Inc.
100% Capital Protected Note on Topix Core 30 Index 21.02.2012 EUR 20'000 1.5150 30'300 L.	CH0027120747 2712074 100% Capital Protected Note on Topix Core 30 Index	22.02.2010 EUR	245'000	1.5150	Z	chman Brothers Holdings Inc.
	CH0027120754 2712075 100% Capital Protected Note on Topix Core 30 Index	21.02.2012 EUR	20'000	1.5150	30'300 Lehman Brothers Treasury Co. B.V. Amsterdam	chman Brothers Holdings Inc.

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oll chman Brothers Treasury Co. B. V. Amsterdam   Lehman Brothers Holdings Inc.	25000 Johnson Brothers Treasu	DOWN I	UMASC	07 01 2012 CHE	
Amsterdam	400'000 Lehman Brothers Treasu	1.0000	100000	30.11.2010 CHF	XS0734123650 2318727 Lehman Brothers Opp. Note on Basket Shares
sury Co. B.V. Lehman Brothers Holdings Inc.	5'000'000 Lehman Brothers Treasury Co. B.V.	1.0000	5'000'000	29.08.2012 CHF	XS0342098398  3689038   08-29.8.12 SHS-BASKET

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### Robles, Betty

From:

Debra M. Maldonado [dmaldonado@theseaportgroup.com]

Sent:

Thursday, December 03, 2009 9:57 AM

To:

Steve Dudowitz

Subject:

FW: Please confirm Friday's trades

Debra Maldonado The Seaport Group Securities, LLC 360 Madison Ave., 22nd Floor New York, NY 10017

T: (212) 616-7739 F: (212) 616-7733

<mailto:dmaldonado@theseaportgroup.com> dmaldonado@theseaportgroup.com

From: Josi Andreas, LI VEEU [mailto:Andreas.Josi@bekb.ch]

Sent: Tuesday, September 08, 2009 10:08 AM

To: Debra M. Maldonado Cc: Josi Andreas, LI VEEU

Subject: AW: Please confirm Friday's trades

Dear Debra

Thanks for your e-mail. I took contact to our settlement departement. I'll contact you asap with the news. I think, the settelment will take place tomorrow.

Beste regards

Andreas

Freundliche Grüsse Avec mes meilleures salutations BEKB | BCBE

Andreas Josi

Tel. +41 (31) 666 63 64 andreas.josi@bekb.ch

Postadresse / Adresse postale BEKB | BCBE Postfach 3001 Bern

Р

Denken Sie an die Umwelt, verzichten Sie auf den Ausdruck dieses E-Mails. Pensez à l'environnement et renoncez à imprimer cet e-mail.

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Von: Debra M. Maldonado [mailto:dmaldonado@theseaportgroup.com]

Gesendet: Dienstag, 8. September 2009 15:59

An: Josi Andreas, LI VEEU

Cc: Steve Dudowitz; Christopher Hennin; Aaron Lewis

Betreff: Please confirm Friday's trades

Wichtigkeit: Hoch

Hello Andreas

Please confirm all trades from Friday and please send me your local settlement instructions for Switzerland for the CH isin's and we will settle the XS isins with your Euro Clear 83320. Please call me if you have any questions, also please see below for our settlement instructions,.

Thank you

Deb

Here is our settlement instructions:

E/c 11319

Swiss local market :

UBS ZURICH

BIC: UBSWCHZH80A

A/c: JP MORGAN CHASE - CHASGB2L

A/c# 02300000044137U3

\_\_\_\_\_\_\_

ISIN: CH0027120754 \* TRADE TICKET \* As of: 9/4/09

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TRDR:WES HARRELL>SEAPORT GROUP, THE (DATED: 2/21/07)

BUYS: 20 (M) of LEH StrNt 02/21/12 CUSIP: EG1391267

PRICE or YIELD (to 2/21/12 @ \_\_\_\_\_

SETTLEMENT on 9/11/09 ISSUER: LEHMAN BROTHERS TSY BV

NOTES: SEAPORT DIST BUYS FROM BEKB/BCBE AG (SALES WONG/SOMMER)

SETTLES T+5

no trace

{EG139126 Corp DES<GO>}

\*\* PRINCIPAL: €

\*\* ACCRUED (200 days):

\*\* TOTAL: €

ISIN: CH0027120747 \* TRADE TICKET \* As of: 9/4/09

TRDR:WES HARRELL>SEAPORT GROUP, THE (DATED: 2/21/07)

BUYS: 245 (M) of LEH StrNt 02/22/10 CUSIP: EG1391705

PRICE or YIELD (to 2/22/10 @ )

SETTLEMENT on 9/11/09 ISSUER: LEHMAN BROTHERS TSY BV

NOTES: SEAPORT DIST BUYS FROM BEKB/BCBE AG (SALES WONG/SOMMER)

SETTLES T+5

No trace

{EG139170 Corp DES<GO>}

\*\* PRINCIPAL: €

\*\* ACCRUED (199 days):

\*\* TOTAL: €

ISIN: CH0027120705 \* TRADE TICKET \* As of: 9/ 4/09

TRDR:WES HARRELL>SEAPORT GROUP, THE (DATED: 2/21/07)

BUYS: 59 (M) of LEH StrNt 02/22/10 CUSIP: EG1389543

PRICE or YIELD (to 2/22/10 @ )

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SETTLEMENT on 9/11/09

ISSUER: LEHMAN BROTHERS TSY BV

NOTES: SEAPORT DIST BUYS FROM BEKB/BCBE AG (SALES WONG/SOMMER)

SETTLES T+5

{EG138954 Corp DES<GO>}

\*\* PRINCIPAL:

\$

\*\* ACCRUED (199 days):

\*\* TOTAL:

As of: 9/4/09 ISIN: CH0027120697 \* TRADE TICKET \*

\$

TRDR:WES HARRELL>SEAPORT GROUP, THE (DATED: 2/21/07)

(M) of LEH StrNt 02/21/12 CUSIP: EG1390905 BUYS : 165

PRICE or YIELD (to 2/21/12 @ )

SETTLEMENT on 9/11/09 ISSUER: LEHMAN BROTHERS TSY BV

NOTES: SEAPORT DIST BUYS FROM BEKB/BCBE AG (SALES WONG/SOMMER)

SETTLES T+5

{EG139090 Corp DES<GO>}

\*\* PRINCIPAL: €

\*\* ACCRUED (200 days):

\*\* TOTAL: €

As of: 9/4/09 ISIN: CH0027120663 \* TRADE TICKET \*

TRDR:WES HARRELL>SEAPORT GROUP, THE (DATED: 2/21/07)

BUYS: 3397 (M) of LEH StrNt 02/22/10 CUSIP: EG1390509

PRICE or YIELD (to 2/22/10 @

SETTLEMENT on 9/11/09 ISSUER: LEHMAN BROTHERS TSY BV

NOTES: SEAPORT DIST BUYS FROM BEKB/BCBE AG (SALES WONG/SOMMER)

SETTLES T+5

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no trace

{EG139050 Corp DES<GO>}

\*\* PRINCIPAL: SF

\*\* ACCRUED (199 days):

\*\* TOTAL: SF

\*\*

TRDR:WES HARRELL>SEAPORT GROUP, THE (DATED: 7/10/06)

BUYS: 209 (M) of LEH StrNt 07/10/09 CUSIP: EF7428875

PRICE or YIELD (to 7/10/09 @

SETTLEMENT on 9/11/09 ISSUER: LEHMAN BROTHERS TSY BV

NOTES: SEAPORT DIST BUYS FROM BEKB/BCBE AG (SALES WONG/SOMMER)

SETTLES T+5

{EF742887 Corp DES<GO>}

\*\* PRINCIPAL: €

\*\* ACCRUED ( 0 days):

\*\* TOTAL: €

\*\*

ISIN: CH0027120689 \* TRADE TICKET \* As of: 9/4/09

TRDR:WES HARRELL>SEAPORT GROUP, THE (DATED: 2/21/07)

BUYS: 522 (M) of LEH StrNt 02/22/10 CUSIP: EG1390749

PRICE YIELD (to 2/22/10 @

SETTLEMENT on 9/11/09 ISSUER: LEHMAN BROTHERS TSY BV

NOTES: SEAPORT DIST BUYS FROM BEKB/BCBE AG (SALES WONG/SOMMER)

SETTLES T+5

No Trace

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{EG139074 Corp DES<GO>} \*\* PRINCIPAL: € \*\* ACCRUED (199 days): \*\* TOTAL: \_\_\_\_\_\_\_ ISIN: CH0027120671 \* TRADE TICKET \* As of: 9/4/09 TRDR:WES HARRELL>SEAPORT GROUP, THE (DATED: 2/21/07) BUYS : 1083 (M) of LEH StrNt 02/21/12 CUSIP: EG1390061 YIELD (to 2/21/12 @ PRICE or SETTLEMENT on 9/11/09 ISSUER: LEHMAN BROTHERS TSY BV NOTES: SEAPORT DIST BUYS FROM BEKB/BCBE AG (SALES WONG/SOMMER) SETTLE T+5 No Trace {EG139006 Corp DES<GO>} \*\* PRINCIPAL: SF \*\* ACCRUED (200 days):

\*\* TOTAL:

SF

\_\_\_\_\_\_\_

Debra Maldonado Seaport Group Securities, LLC 360 Madison Ave., 22nd Floor New York, NY 10017

T: (212) 616-7739 F: (212) 616-7733

<mailto:dmaldonado@theseaportgroup.com> dmaldonado@theseaportgroup.com

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\_\_\_\_\_

### Lanigan, Daniel

From: Aaron Lewis [alewis@theseaportgroup.com]
Sent: Wednesday, September 30, 2009 10:48 AM

To: Settlement (ENT)

Subject: RE: LEHMAN WTS - XS0257101856

We DK these trades. If Andreas knows these with Seaport, he must contact our traders. This matter is resolved from my side.

From: Settlement (ENT) [mailto:Settlement@entris.ch] Sent: Wednesday, September 30, 2009 8:54 AM

To: Aaron Lewis

Subject: AW: LEHMAN WTS - XS0257101856

Hi

Yes, after informations from Andreas Josi from the Berner Kantonalbank Bern. Please contact Andreas when you dont recognize this trades.

Phone 0041 31 666 63 64 E-Mail andreas.josi@bekb.ch

#### Thanks

Von: Aaron Lewis [mailto:alewis@theseaportgroup.com] Gesendet: Mittwoch, 30. September 2009 14:41

An: Settlement (ENT)

Betreff: RE: LEHMAN WTS - XS0257101856

Ηí,

I do not recognize the other trades, only the 209 shs of XS0257101856. Were these done with Seaport?

Thanks

From: Settlement (ENT) [mailto:Settlement@entris.ch] Sent: Wednesday, September 30, 2009 3:29 AM

To: Aaron Lewis

Subject: AW: LEHMAN WTS - XS0257101856

Hi

The market reference number for the trade of 209 shs ISIN XS0257101856 is: Trano S20902A (Clearstream Ref.: 02LN18000B7G). But **this trade has settled at 30.09.2009** in the morning.

### We need urgently your instructions for the succesive trades:

 TD 04.09.2009 / SD 11.09.2009 against

TD 04.09.2009 / SD 11.09.2009 against

TD 04.09.2009 / SD 11.09.2009 against

#### Our settlement details:

Swiss local market: SIX SIS AG Zurich (BIC: INSECHZZXXX) in favour of acc. CH102692 in the name of Berner Kantonalbank (BIC: KBBECH22XXX)

Euroclear: Clearstream Banking Luxembourg (BIC: CEDELULLXXX) in favour of acc. 83320 in the name of SIX SIS AG Zurich (BIC: INSECHZZXXX)

In favour of Berner Kantonalbank (BIC: KBBECH22XXX)

Please instruct urgently!! Thanks

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Von: Aaron Lewis [mailto:alewis@theseaportgroup.com]

Gesendet: Montag, 28. September 2009 23:00 An: Settlement (ENT); Artesi Laura (ENT)

Cc: Hom, Irene; Seaport Ops; Josi Andreas, LI VEEU; Jones-Morton, Imogen

S

Betreff: RE: LEHMAN WTS - XS0257101856

Laura/Anni,

Please advise with your market reference for the following trade. My custodian has advised that they do not see you alleging to 11319 for the following. Please ensure these are instructed for settlement tomorrow.

BEKB / BCBE 703-02632 9/4/2009 9/11/2009

XS0257101856 \*\*\*WTS LEHMAN BROTHERS 209



Regards

From: Jones-Morton, Imogen [mailto:Imogen.JonesMorton@ridgeclearing.com]

Sent: Monday, September 28, 2009 9:10 AM

To: Settlement@entris.ch Cc: Hom, Irene; Seaport Ops

Subject: LEHMAN WTS - XS0257101856

Hello,

Trade was amended to receive from you're Clearstream A/c 66032 in Euroclear. Our agent advises that you have no Inx.

Please advise.

Regards,

Imogen Jones-Morton **International Settlements** Ridge Clearing & Outsourcing Solutions, Inc 2 Journal Square Plaza, Jersey City NJ, 07306 Phone: (888) 284-3430 - Option 2

Fax: (201) 239-4746

E-mail: Imogen.JonesMorton@RidgeClearing.com



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## Lanigan, Daniel

Von: Josi Andreas, LI VEEU

Gesendet: Donnerstag, 5. November 2009 14:55

An: 'Jay Sommer'; 'Aaron Lewis'

Cc: 'Artesi Laura (ENT)'

Betreff: WG: LEHMAN WTS - XS0257101856

Dear Jay and Aaron

These three trades didn't settle yet. I traded all these orders with Seaport Group, so we need the settlement details from Seaport Goup. We sended you our details a few times and they are marked below again. I don't really care wether the orders are for Seaport Group or someone else.

So please take immediatly contact with Laura (Aaron, you know her!) from our settlement departement so settle these orders.

I can't help you in this case because I'm just the trader. So Aaron have to show Laura a solution. It's really urgent and there are no excuses about that.

Thanks and best regards Andreas

We need urgently your instructions for the succesive trades:

ISIN XS0234123650 400'000 Shs CHF TD 04.09.2009 / SD 11.09.2009 against Euroclear 11319 (JP Morgan) instructed since 11.09.2009 ISIN XS0342098398 5'000'000 Shs CHF TD 04.09.2009 / SD against Euroclear 11319 (JP Morgan) instructed since 11.09.2009 11.09.2009 ISIN CH0036891148 25'000 Shs CHF TD 04.09.2009 / SD 11.09.2009 against CH100025 (Swiss local market) instructed since 11.09.2009

#### Our settlement details:

Swiss local market: SIX SIS AG Zurich (BIC: INSECHZZXXX) in favour of acc. CH102692 in the name of Berner Kantonalbank (BIC: KBBECH22XXX)

Euroclear: Clearstream Banking Luxembourg (BIC: CEDELULLXXX) in favour of acc. 83320 in the name of SIX SIS AG Zurich (BIC: INSECHZZXXX)

In favour of Berner Kantonalbank (BIC: KBBECH22XXX)

Etliche Abklärungen mit Aaron Lewis, haben ergeben, dass anscheinend diese Abschlüsse nicht für Seaport seien.

Wir haben Ihn an Sie verwiesen, damit Ihr gemeinsam diese Fälle besprechen könnt. Leider behauptet er immer wieder, dass man über Ihren Händler gehen solle um die Details dieser Abschlüsse zu regeln. Einen Händlernamen konnte er natürlich nicht angeben. Unsere Instruktionen wurden inzwischen teilweise auch wieder gecancelled weil zu alt. Keine weiteren Gegenparteien haben bis jetzt diese Trades reklamiert (wirklich nicht Seaport?)

Könnten Sie bitte via Händler bei der Gegenpartei diese Trades reklamieren? Sobald wir von Ihnen wieder aktuellere Informationen erhalten werden, werden wir neue Instruktionen gemäss Ihren Angaben absetzten. Hoffen auf gutes gelingen.

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Besten Dank für Ihre Mithilfe.

Freundliche Grüsse

Laura Artesi

#### Laura Artesi

Fachspezialistin Transfer / Settlement

T +41 31 950 73 73, F +41 31 950 76 52 laura.artesi@entris.ch

Entris Operations
Anlegen, Settlement / Transfer Namenaktien
Mattenstrasse 8, CH-3073 Gümligen
T +41 31 950 72 72, F +41 31 950 76 76
info@entris.ch, www.entris.ch

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**Von:** Aaron Lewis [mailto:alewis@theseaportgroup.com]

Gesendet: Mittwoch, 30. September 2009 14:41

An: Settlement (ENT)

Betreff: RE: LEHMAN WTS - XS0257101856

Hi,

I do not recognize the other trades, only the 209 shs of XS0257101856. Were these done with Seaport?

**Thanks** 

**From:** Settlement (ENT) [mailto:Settlement@entris.ch] **Sent:** Wednesday, September 30, 2009 3:29 AM

To: Aaron Lewis

Subject: AW: LEHMAN WTS - XS0257101856

Hi

The market reference number for the trade of 209 shs ISIN XS0257101856 is: Trano S20902A (Clearstream Ref.: 02LN18000B7G). But **this trade has settled at 30.09.2009** in the morning.

We need urgently your instructions for the succesive trades:

ISIN XS0234123650 400'000 Shs CHF TD 04.09.2009 / SD against Euroclear 11319 (JP Morgan) 11.09.2009 instructed since 11.09.2009 ISIN XS0342098398 5'000'000 Shs CHF ( TD 04.09.2009 / SD 11.09.2009 against Euroclear 11319 (JP Morgan) instructed since 11.09.2009 ISIN CH0036891148 25'000 Shs CHF TD 04.09.2009 / SD 11.09.2009 against CH100025 (Swiss local market) instructed since 11.09.2009

#### Our settlement details:

Swiss local market: SIX SIS AG Zurich (BIC: INSECHZZXXX) in favour of acc. CH102692 in the name of Berner Kantonalbank (BIC: KBBECH22XXX)

Euroclear: Clearstream Banking Luxembourg (BIC: CEDELULLXXX) in favour of acc. 83320 in the name of SIX SIS AG Zurich (BIC: INSECHZZXXX)
In favour of Berner Kantonalbank (BIC: KBBECH22XXX)

Please instruct urgently!! Thanks